

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WACEY MOUNTAIN CHIEF,

Defendant.

CR-17-83-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 25, 2024. (Doc. 129.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 24, 2024. (Doc.125.) The United States accused Wacey Mountain Chief (Mountain Chief) of violating his conditions of supervised release 1) by using methamphetamine on

three separate occasions; 2) by using oxycodone pills 3) by failing to maintain full time employment; 4) by failing to provide truthful answers to questions asked by his probation officer; 5) by failing to comply with his home confinement requirements on two separate occasions; 6) by failing to comply with his substance abuse testing requirements; 7) by committing another crime; and 8) by using cocaine opiates and marijuana. (Doc. 68.)

At the revocation hearing, Mountain Chief admitted to having violated the conditions of his supervised release 1) by using methamphetamine on two separate occasions; 2) by using oxycodone pills 3) by failing to maintain full time employment; 4) by failing to comply with his home confinement requirements; and 8) by using cocaine opiates and marijuana. The Court dismissed alleged violations 1, 4, 6, 7 8 and 9 on the Government's motion. (Doc. 125.) Judge Johnston found that the violations Mountain Chief admitted are serious and warrants revocation of his supervised release and recommends a sentence of 6 months, with no supervised release to follow. Mountain Chief was advised of his right to appeal and allocute before the undersigned and waived those rights. (Doc. 125.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 129) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Wacey Mountain Chief be sentenced to the Bureau of

Prison for 6 months with no supervised release to follow. Mountain Chief should serve his term of custody in FCI Terminal Island in Los Angeles, California.

DATED this 29th day of January, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court